

UNITED STATES DISTRICT COURT

for the

New Mexico

United States of America

v.

Alberto Garcia

Case No. **23 MJ 1752***Defendant(s)***FILED**United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 13, 2023 in the county of Curry in the
 District of New Mexico, the defendant(s) violated:*Code Section*21 U.S.C. §§ 841(a)(1) and (b)(1)
(A)*Offense Description*Possession with Intent to Distribute 500 Grams and More of a Mixture and
Substance Containing a Detectable Amount of Methamphetamine

18 U.S.C. § 2

Aiding and Abetting

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.*Victoria Espinoza**Complainant's signature*

Victoria Espinoza, Special Agent, DEA

Printed name and title

Sworn to before me by telephone or other reliable electronic means.

Date: December 13, 2023*Laura Fashing**Judge's signature*City and state: Albuquerque, NM**Laura Fashing, United States Magistrate Judge***Printed name and title*

AFFIDAVIT

I, Victoria Espinoza, Special Agent with the Drug Enforcement Administration (“DEA”), being duly sworn, depose and state as follows:

1. I have been a Special Agent with the DEA since 2022. As such, I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and I am empowered by law to conduct investigations and to make arrests for criminal offenses, to include those enumerated in 18 U.S.C. § 2516.

2. To become a Special Agent, I received advanced training in controlled substance identification, narcotics related investigation techniques, interview and interrogation training, preparation of search warrants, tactical applications of narcotics enforcement, surveillance and electronic monitoring techniques. I also received training in the methods of operation of Drug Trafficking Organizations, and in the investigation of Title 21 violations. As a result, I am familiar with matters including, but not limited to, the means and methods used by individuals to purchase, transport, store, and distribute drugs and to hide profits generated from those transactions.

3. This affidavit is based on my observations and information obtained from other law enforcement sources. It does not set forth all of my knowledge related to this investigation. This affidavit is submitted in support of a criminal complaint charging Alberto Garcia (“Garcia”) with the following violations:

- a. 21 U.S.C. §§ 841(a)(1) and (b)(1)(A): Possession with Intent to Distribute 500 Grams and More of a Mixture and Substance Containing a Detectable Amount of Methamphetamine; and
- b. 18 U.S.C. § 2: Aiding and Abetting.

PROBABLE CAUSE

A. Courier Interception

1. On September 15, 2023, DEA Special Agents, together with other law enforcement officers (collectively, “agents”) arrested Manuel Pinon-Duran for possession with intent to distribute approximately 3.8 kilograms of methamphetamine in Cibola County, New Mexico. Pinon-Duran was serving as a courier, transporting methamphetamine to Clovis, New Mexico.

2. Agents analyzed Pinon-Duran’s mobile phone. An analysis of that phone revealed a series of text messages between Garcia and Pinon-Duran. During these messages, Pinon-Duran informed Garcia that he was coming from Phoenix, Arizona. Garcia responded by providing an address: 621 Dawn Loop, Clovis, NM 88101 (the “Subject Premises”).

B. Connection Between Garcia and the Subject Premises

3. Records from a law enforcement financial database show that Garcia has sent or received numerous wire transfers listing his address as the Subject Premises. Most of the records also list Garcia's New Mexico driver's license number: 515353666. The earliest record of Garcia listing the address to the Subject Premises for a wire transfer is for a transfer of \$1,000 on May 11, 2017, and the most recent record is for a transfer of \$990 on October 24, 2023.

4. In November-December 2023, agents conducted surveillance and observed Garcia residing at the Subject Premises.

C. Search Warrant

5. On December 6, 2023, the Honorable Laura Fashing approved a search warrant for the Subject Premises. The Subject Premises is within Curry County and the District of New Mexico. Agents executed that search warrant on December 13, 2023. Agents entered the Subject Premises and did not find anyone at home.

6. In a bedroom of the residence, agents located suspicious bundles full of a white crystal substance. Agents field-tested and weighed the substance, which tested positive for the presence of methamphetamine and weighed 2.2 gross kilograms. Based on my training and experience, this quantity of methamphetamine is consistent with distribution rather than personal use.

7. Agents also found two pistols and two rifles at the Subject Premises. The two rifles and one pistol, a Smith and Wesson, were located in the living room. The other pistol, a STK, was located in another bedroom. The pistols were loaded but not chambered. All firearms had serial numbers.

8. Agents also located mail addressed to Garcia at the Subject Premises in the bedroom where U.S. Currency and the 2.2 gross kilograms of methamphetamine were located.

9. Agents also found a scale and a money counter in the kitchen of the Target Premises. Based on my training and experience, drug traffickers utilize scales to weigh narcotics upon purchase or in preparation to sales. Drug traffickers also utilize money/currency counting equipment to assist in the accounting of their illegal drug proceeds; especially when dealing with large quantities of currency.

10. During a post-Miranda interview, Garcia stated he was the owner of the Subject Premises and was aware of methamphetamine being present at the Subject Premises. Garcia further admitted to having allowed other persons to deliver methamphetamine at the Subject Premises. Garcia stated he has earned approximately \$1,200 dollars for allowing methamphetamine to be delivered at the Subject Premises. Garcia stated he has allowed methamphetamine to be delivered at the Subject Premises for the past 14 months.

D. Conclusion

11. I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Victoria Espinoza

Victoria Espinoza
Special Agent
Drug Enforcement Administration

Telephonically sworn and electronically signed on December 13, 2023.

Laura Oshing

UNITED STATES MAGISTRATE JUDGE
District of New Mexico